

**CITY OF SEAT PLEASANT  
CITY COUNCIL  
REGULAR WORKSESSION MINUTES  
MONDAY, JULY 2, 2007**

Council President Kelly Porter called the Regular Worksession to order at 7:02 p.m.

Present: Council President Porter, Councilmember Johnie L. Higgs, Sr.  
Councilmember Brian K. Shivers, Councilmember Elenora Simms,  
Councilmember Reveral L. Yeargin (7:45 p.m.)

Excused: Councilmember Charl M. Jones, Councilmember John B. Morris

Staff: Bryan G. Alston, City Administrator and Sandra A. Yates, City Clerk

The invocation was given by Council President Porter.

Agenda – It was moved by Councilmember Higgs and seconded by Councilmember Simms to approve the agenda. The motion carried.

## **LEGISLATION**

Resolution R-07-03, Council Rules of Procedure – No Yielding of Time

Council President Porter asked the City Clerk to read Resolution R-07-03. He called for questions. Councilmember Shivers requested clarity as to whether the resolution could be introduced and passed at the same meeting. Council President Porter stated that the Council can introduce and vote on a resolution in the same meeting and that the procedure had been used at previous Council sessions.

Councilmember Shivers asked if the resolution was to allow the yielding of speaking time or not to allow yielding of time. Council President Porter stated that it would end the practice of yielding speaking time from one person to another. Councilmember Shivers stated that seniors should be allowed to yield their time. Councilmember Simms said that anyone is welcome to state their case before the Council in accordance with the Council rules. Councilmember Higgs stated that if it takes people more than 3 minutes to state their case, they should request a meeting with the City Administrator to address the issue. The purpose of Council meetings is for legislation, not to micromanage day-to-day operations. Council

President Porter stated that the Council can vote to suspend the rules to allow a speaker to yield time to someone else, as long as the vote is approved by a majority.

Councilmember Simms made a motion to suspend the rules in order to vote on Resolution R-07-03 at the Work Session. Councilmember Higgs seconded.

Councilmember Shivers requested to be excused from the meeting due to procedure of the Council. Council President Porter noted for the record that a quorum of the Council no longer existed as of 7:30 p.m. due to Councilmember Shivers' departure from the meeting.

Council President Porter stated that a quorum was reinstated at 7:41 p.m. due to the return of Councilmember Shivers. Councilmember Reveral L. Yeargin arrived at 7:45 p.m.

Councilmember Higgs rescinded his second and requested that Resolution R-07-03 be placed on the Monday, July 9 Public Session agenda. Council President Porter directed the City Clerk to place Resolution R-07-03 on the Public Session agenda.

## **WORK SESSION**

### **COUNCIL PRESIDENT'S REPORT**

Council President Porter stated that he would prepare a written report and have it available at the July Public Session.

### **CITY ADMINISTRATOR'S REPORT**

Mr. Alston asked each councilmember to identify 5 speed bump locations within their wards, with priority from 1 to 5. Potential funding for the project has been identified. He asked that the information be returned by Friday, July 6<sup>th</sup>.

Councilmember Yeargin noted that numerous speed hump studies had already been done by the City, including petitions signed by residents. Mr. Alston requested that the City Clerk research the records and provide any reports to him by July 6<sup>th</sup>.

Gorgeous Prince George's Day will be held on Saturday, October 13<sup>th</sup>. Mr. Alston asked each Councilmember to give him the names of 5 volunteers from their wards

by September 1<sup>st</sup>. Councilmember Simms requested that low maintenance plantings be utilized.

Prince George's County Public Schools will be assigning 6 summer students to the City. Two will work in City Hall and 4 will work in Public Works. Mr. Alston said that the City Hall students will do general office work and the others will be working outdoors. Mr. Alston will advise the Council of when the annual end of work celebration is held for the students.

Installation of air conditioning for the 2<sup>nd</sup> floor of City Hall is underway and should be completed by the end of the week of July 7<sup>th</sup>.

Council President Porter inquired about Councilmember Morris' memo to the City Administrator regarding the security contract bid package and whether it had been reviewed by the City Attorney prior to publication. Mr. Alston stated that it had not, but that he would forward the bid document to the City Attorney for review. Councilmember Shivers asked why Seat Pleasant officers were not providing security for Feggans Center events. Mr. Alston stated that it was difficult to get the officers to sign-up for the extra work.

Councilmember Porter stated that the City's Ocean City display was well received. Councilmember Yeargin disagreed and stated that it looked like a "rush job." Mr. Alston added that the person who produced the display broke his cutting blades several times which resulted in the uneven finish on the pictures.

Councilmember Yeargin asked the City Administrator why he did not show up for his scheduled time to man the City's display booth. Mr. Alston stated that he thought it was more important for him to attend a workshop on gangs. Mr. Yeargin remarked that the gang presentation had already been presented at a City Council meeting and that promoting the City should have come first. Mr. Alston stated that it was an unfortunate scheduling conflict and that he promoted the City at other MML events.

Council President Porter asked about the status of tent signs to announce Council meetings. Mr. Alston stated that he was not aware that he was supposed to be obtaining the tent signs. Councilmember Porter asked if a tent sign was put out at City Hall to announce the Work Session. Mr. Alston stated that he was not sure who is responsible for making sure that the sign is posted. Council President Porter stated that it is has always been the responsibility of Public Works to post

the meeting signs. Mr. Alston stated that he would get tent signs and coordinate the meeting postings.

## **CITY COUNCIL COMMITTEE REPORTS**

**ECONOMIC DEVELOPMENT COMMITTEE** – Councilmember Simms, Chair. Report submitted in writing.

**FINANCE COMMITTEE** – Councilmember Yeargin, Chair. Councilmember Yeargin noted that the documents requested from the City Treasurer at the last work session were not turned in to the Committee. Mr. Yeagin said that he would follow-up with the Treasurer.

Councilmember Simms requested a copy of the cellular phone contract and a report of all City cell phone lines and users. Mr. Alston stated that he would consult with the Treasurer to compile the report and forward it to Councilmember Simms. Mr. Alston also said that he met with the Sprint/Nextel sales manager who recommended a lower cost plan for the City.

**GOVERNMENT AFFAIRS COMMITTEE** – Councilmember Charl M. Jones, Chair. Absent.

**HUMAN SERVICES COMMITTEE** – Councilmember John B. Morris, Chair. Absent.

**PUBLIC SAFETY COMMITTEE** – Councilmember Higgs, Chair. Written report to be submitted.

**PUBLIC WORKS COMMITTEE** – Councilmember Shivers, Chair. No report.

## **UNFINISHED BUSINESS**

**Internal Audit** - Council President Porter stated that the auditor selected by the Council backed out of the audit due to information given to the auditor about irregularities in the Council's process. Council President Porter stated that the contrary to the information given to the auditor, the problem was that the Council should have suspended the rules in order to vote in a work session. Now that the Council is aware of this requirement, he asked if the Council wished to proceed with having the City Administrator move forward with the audit as previously approved.

Councilmember Higgs stated that since 6 out of 7 Councilmembers had voted for an internal audit, that the City Administrator should still be directed by the Council to advertise an RFP for an internal auditor so that the City can move forward with the audit. He requested that the action be taken by Friday, July 6<sup>th</sup>.

Mr. Alston stated that he was not aware that he was supposed to handle the internal audit. Council President Porter replied that it is on the record several times.

Councilmember Shivers asked why the City needed an internal audit.

Councilmember Higgs stated that an internal audit reviews internal controls and whether funds are being spent according to rules and guidelines. Councilmember Porter added that the City has never had an internal audit and that our operating systems are probably very outdated.

Councilmember Shivers and Mr. Alston asked how the audit would be funded.

Councilmember Shivers also recommended that the Council cap the service fee for the audit at \$10,000.00. Council President Porter told Mr. Alston to check with the City Attorney to see if the \$10,000 allocated for the internal audit in the last City budget carries forward. Council President Porter said that Attorney Fred Sussman informed him that allocated funds can usually be carried-forward into a new fiscal year.

Council President Porter gave the City Administrator a draft RFP for the internal audit. Mr. Alston asked to have it forwarded to him electronically so that it can be reviewed by the City Attorney. The City Clerk will forward the electronic copy.

Mr. Alston said that while he agreed that an internal audit would be helpful with regard to policy and that he is not against an audit, proper procedures need to be followed.

For clarity, Councilmember Shivers stated that the Council should affirm the discussion: 1 – to proceed with an internal audit and 2 – to direct the City Administrator to follow through with advertising and scheduling the audit. The City Council unanimously affirmed.

Mr. Alston added that the total cost for the internal audit would be \$10,000.00 for the audit, plus attorney and advertising fees. Councilmember Yeargin stated that attorney and advertising fees are already allocated in the budget.



Councilmember Simms informed the City Administrator that he does not give the Council all contracts over \$3,000.00 for its review and approval, as required by the City charter. She also stated that contracts over \$7,500 are supposed to be competitively bid. Councilmember Simms asked for a report of all City purchases over \$3,000.00 for the last fiscal year. Mr. Alston stated that he would provide the report by July 10<sup>th</sup>. Councilmember Porter requested that a copy of the report be given to each Councilmember and the City Clerk.

**SPVFD Contribution** – Council President Porter stated that several councilmembers informed him that the Council did not appropriate \$15,000 for the SPVFD. The Treasurer had not been clear on if and how the money was allocated. Councilmember Simms asked why the City Council was not informed that the presentation to the fire department was taking place. Council President Porter stated that he was invited to the presentation and only attended after being assured by the Treasurer that the monies had been appropriated. Councilmember Simms said that the Treasurer told her that \$10,000 was taken from one account and \$5,000 from another; why is that the case if the monies were appropriated?

Mr. Alston stated that these types of questions need to come to him to make sure that the language used is clear. Councilmember Yeargin stated that the Council should feel free to get information from the Treasurer at any time.

Mr. Alston explained the discrepancy between the budget ordinance and the budget book. Council President Porter asked the City Clerk to provide a copy of the budget ordinance to each Councilmember by COB Tuesday, July 3<sup>rd</sup>. He also stated that the Treasurer confirmed that no monies were allocated for the fire department in the FY08 budget.

**Council Chambers Sound System** – Council President Porter informed the City Administrator that the Council has promised citizens month after month that the sound in the chambers would be fixed. Mr. Alston stated that he is getting a revised proposal that is lower than the first one approved by the Council because one of the sound boards was more expensive than required. The council will see a significant savings. The money saved can be used to purchase video equipment. The funds already appropriated will be used to pay for the new sound system.

Councilmember Higgs inquired why the funds appropriated for the sound system carry forward into the new fiscal year, but not the funds appropriated for the internal audit.

Mr. Alston stated that the new equipment will be in place by mid-August, well before the September public session. Councilmember Yeargin stated that in the meantime he could assist the City Administrator with making adjustments to the existing system to improve the quality of the sound. Mr. Alston stated that he would contact Councilmember Yeargin regarding a temporary fix.

Mr. Alston added that he visited the Takoma Park chambers on June 13<sup>th</sup> and they have an excellent facility.

Councilmember Simms requested clarification from Mr. Alston that in the Verizon franchise agreement that the City would receive \$5,000 for video equipment – is it a payment or a loan? Mr. Alston said that he would research the issue and report back to Councilmember Simms.

**City-owned Properties** – Councilmember Simms asked the City Administrator when he would be providing the information the Economic Development requested several months ago for a listing of all City-owned properties and their value. Mr. Alston said that he is working out a timeline and that funding for the appraisals needs to be allocated. Councilmember Simms stated that time is of the essence, particularly for the Eads Street and Cabin Branch developments.

**Take-home Vehicle Policy** – Mr. Alston stated that he disbursed a draft policy to the Council for a take home vehicle for the City Administrator's use and never received a response from the Council.

Council President Porter stated that he would have preferred an across-the-board vehicle take home policy instead of a policy only for the City Administrator. Councilmember Simms said that only the police department should be allowed to take home vehicles and that the car being driven by the City Administrator was purchased for the police department. Councilmember Yeargin stated that the vehicle policy submitted was obviously for the police department and had nothing to do with any other department in the City. Mr. Alston stated that he resubmitted a policy strictly for the City Administrator.

Councilmember Shivers stated that other municipalities allow their City Administrators to take vehicles home. Councilmember Yeargin requested a list of the municipalities and a copy of their policies. Councilmember Shivers stated that he would provide the information.

Council President Porter asked each Councilmember to state their issues in writing with regard to the City Administrator vehicle take home policy and submit them to the City Clerk by Friday, July 6<sup>th</sup>. The Council will meet in a Special Session on Monday, July 9<sup>th</sup> at 6:30 p.m. to vote the matter up or down.

**Executive Assistant to the Mayor** - Mr. Alston asked about the status of the Executive Assistant to the Mayor position (Kyrthlyn Rhoda). Council President Porter stated that there is no funding in the current budget for an Assistant position. Councilmember Shivers stated that he had submitted a proposal on the position and asked to have it added to the agenda. Council President Porter said that the item was left off of the agenda in error. It was added as item #13a.

Councilmember Shivers made a motion to reinstate the Executive Assistant to the Mayor position and to add a part-time assistant to the Code Enforcement Office. No second. The motion died.

Council President Porter made a motion to allow Ms. Rhoda to fill the Community Services Coordinator position temporarily under the supervision of the City Administrator until such time as the position is properly advertised and filled. The position would support the Office of the Mayor with regard to community oriented activities. No second. The motion died.

## **NEW BUSINESS**

**Review of Voting Procedures** – Council President Porter reviewed a memo prepared by the City Clerk regarding the procedure for voting on legislation in a work session, which requires suspension of the Council rules.

**City Council Charter Retreat** – Council President Porter disbursed a retreat proposal for the Council's consideration. The retreat would be used to review and update the City Charter.

**G.S. Proctor & Associates** – Council President Porter announced that a meeting with the lobbyist had been scheduled for July 10<sup>th</sup> – additional details will be forthcoming.

**Ward Meetings** – Council President Porter recommended that Councilmembers hold bi-monthly ward meetings. The City Clerk can assist with planning and coordination.



**City Newsletters** – Council President Porter stated that if Public Works can deliver flyers for events, they can deliver flyers for Council events. Mr. Alston stated that he was not aware that Public Works delivered flyers. Council President Porter asked the City Administrator when the City newsletter would be reinstated. Several citizens complained at the Ward 5 meeting about not receiving newsletters and that the two received had old and/or non-City related information. The last newsletter went out in February and had information about the August 2006 National Night Out. Council President Porter stated that he wanted to see a newsletter issued by August 1<sup>st</sup>.

**Upcoming Conferences and Meetings** – Council President Porter referred the Councilmembers to the listing of 2007-2008 conferences and meetings for National League of Cities and Maryland Municipal League. Councilmembers were advised to coordinate their travel early with the City Clerk.

**Communications with City Attorney** – Council President Porter requested that contact with the City Attorney be coordinated through the City Council President to keep legal fees down.

**Cellular Telephone Contract** – Council President Porter stated that as discussed earlier, the Treasurer and City Administrator would be submitting a cellular telephone report to the City Council, including a listing of cellular users and their phone numbers.

**City Code** – Council President Porter stated that he wanted the Council to move forward with adopting a single charter for the City to eliminate confusion.

**Gorgeous Prince George's Day** – Councilmembers were reminded to provide the City Administrator with the names of volunteers to participate in the October 13<sup>th</sup> event.

It was moved by Councilmember Yeargin to adjourn. The meeting adjourned at 11:14 p.m.

Submitted,

Sandra A. Yates, City Clerk